



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2859

DATE SCANNED

6/4/15

SCANNER NO.

2

# SCAN OPERATOR

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FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT  
2014 DEC 10 AM 10:54

December 9, 2014

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *APCO*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC/muc*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickeral *KDR* *JP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2014 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2014 October Quarterly Report in accordance with 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)). The 2014 October Quarterly Report was due on October 15, 2014.

The committees listed in the attached RTB Circulation Report either failed to file the report, no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

The committee (AF 2847) represents a candidate that participated in the 2014 Primary in Florida's House Race. The committee was required to file a 2014 12 Day Pre-Primary Report (12P) covering July 1, 2014 through August 6, 2014 (37 days) and a 2014 October Quarterly Report covering August 7, 2014 through September 30, 2014 (55 days). In order to determine the civil money penalty for the 2014 October Quarterly Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2013-2014 election cycle (\$112,962) by 24.77% (the number of days required in Q3 (55) divided by the number of days included in the Committee's 2013-2014 election cycle reports (222)).

The committee (AF 2857) represents a candidate that participated in the 2014 Primary in Florida's House Race. The committee was required to file a 2014 12 Day Pre-Primary Report (12P) covering July 1, 2014 through August 6, 2014 (37 days) and a 2014 October Quarterly Report covering August 7, 2014 through September 30, 2014 (55 days). In order to determine the civil money penalty for the 2014 October Quarterly Report, an estimated level of activity was calculated using a per diem average by multiplying the previous activity reported for the 2013-2014 election cycle (\$270,955) by 12.06% (the number of days required in Q3 (55) divided by the number of days included in the Committee's 2013-2014 election cycle reports (456)).

## Recommendation

- 1.
2. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
3. Send the appropriate letters.

Federal Election Commission  
Reason to Believe Circulation Report  
2014 OCTOBER QUARTERLY Not Election Sensitive 10/15/2014 H S P UNAUTH

| AF#  | Committee ID | Committee Name                          | Candidate Name          | Treasurer                 | Threshold   | PV | Receipt Date | Days Late | LOA             | RTB Penalty |
|------|--------------|---|-------------------------|---------------------------|-------------|----|--------------|-----------|-----------------|-------------|
| 2845 | C00556555    | BARBARA MULVANEY FOR CONGRESS           | MULVANEY, BARBARA       | JANA MULVANEY             | \$301,016   | 0  |              | Not Filed | \$9,803         | \$330       |
| 2846 | C00540385    | BEALE FOR CONGRESS                      | BEALE, ANTHONY A        | STEVEN R. BURRIS          | \$369,434   | 4  |              | Not Filed | \$92,359 (est)  | \$7,700     |
| 2847 | C00550129    | CALVIN D TURNQUEST FOR CONGRESS         | TURNQUEST, CALVIN DEON  | OLIVIA OUTMEZGUINE        | \$112,962   | 0  |              | Not Filed | \$27,981 (est)  | \$1,090     |
| 2848 | C00543173    | CORRY WESTBROOK FOR CONGRESS            | WESTBROOK, CORRY        | CATHERINE E. WFN7ING      | \$333,044   | 0  |              | Not Filed | \$66,609 (est)  | \$2,970     |
| 2850 | C00547067    | ESPERO FOR CONGRESS                     | ESPERO, WILLIAM         | BRYAN GALLARDE            | \$225,170   | 0  |              | Not Filed | \$45,034 (est)  | \$1,090     |
| 2851 | C00546515    | FRIENDS OF CURTIS C. OSBORNE            | OSBORNE, CURTIS C       | CHRISTOPHER EUGENE CARTER | \$450,755   | 0  |              | Not Filed | \$75,126 (est)  | \$3,850     |
| 2853 | C00550665    | FRIENDS OF TERRY ADAMS                  | ADAMS, TERRY GLEN JR    | ROBERT D. TUKE            | \$193,468   | 0  |              | Not Filed | \$48,367 (est)  | \$1,090     |
| 2854 | C0055531     | HIRES FOR CONGRESS                      | HIRES, BEVERLY JOY      | ROY WILEY                 | \$194,087   | 0  | 11/8/2014    | 24        | \$51,933        | \$2,550     |
| 2855 | C00554865    | JASON FOR SOUTH DAKOTA                  | RAVNSBORG, JASON        | JAMIE NEITZKE             | \$113,144   | 0  |              | Not Filed | \$37,715 (est)  | \$1,090     |
| 2856 | C00543033    | JAY STAMPER FOR SENATE COMMITTEE        | STAMPER, JEREMY MICHAEL | JEREMY M. STAMPER         | \$125,244   | 0  |              | Not Filed | \$20,874 (est)  | \$550       |
| 2857 | C00545715    | JORGE BONILLA FOR US CONGRESS INC       | BONILLA, JORGE L JR     | MAGDALENA BONILLA         | \$270,955   | 0  |              | Not Filed | \$32,677 (est)  | \$1,090     |
| 2858 | C00548446    | JULIANNE MN INC                         | ORTMAN, JULIANNE        | CHARLES P. ERICKSON       | \$2,115,495 | 0  | 11/20/2014   | Not Filed | \$34,553        | \$1,090     |
| 2859 | C00559518    | KIRKMEYER FOR CONGRESS                  | KIRKMEYER, BARBARA      | MARJORIE KLEIN            | \$216,408   | 0  | 11/25/2014   | Not Filed | \$27,439        | \$1,090     |
| 2860 | C00548925    | KUMAR FOR CONGRESS                      | KUMAR, ANIL             | MARJORIE KUMAR            | \$1,620,871 | 0  |              | Not Filed | \$405,218 (est) | \$10,900    |
| 2861 | C00559971    | MALONE PEOPLE ACTION COMMITTEE-DELEGATE | MALONE, SHAWN-MICHAEL   | GLENRIDGE A. POLE         | \$135,245   | 0  | 10/23/2014   | 8         | \$54,570        | \$1,070     |
| 2862 | C00544668    | MARCUS BRANDON FOR CONGRESS             | BRANDON, MARCUS         | CECIL ANTONIO BROCKMAN    | \$477,012   | 0  |              | Not Filed | \$79,502 (est)  | \$3,850     |
| 2863 | C00564724    | MCCLINE FOR CONGRESS                    | MCCLINE, JAMEEL         | TRINE ANDERSEN            | \$149,352   | 0  |              | Not Filed | \$74,676 (est)  | \$2,970     |
| 2864 | C00553420    | NEW MEXICANS FOR RICHARD PRIEM          | PRIEM, RICHARD G        | PATTI RIVAS               | \$207,589   | 0  |              | Not Filed | \$51,897 (est)  | \$2,970     |
| 2865 | C00519231    | RAYE FOR CONGRESS                       | RAYE, KEVIN L.          | NICHI S. FARNHAM          | \$768,837   | 0  |              | Not Filed | \$109,834 (est) | \$4,950     |
| 2866 | C00560649    | TOM CARTER FOR CONGRESS                 | CARTER, THOMAS G        | THOMAS CARTER             | \$411,859   | 0  |              | Not Filed | \$137,286 (est) | \$4,950     |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Reason To Believe Recommendation – )  
2014 October Quarterly Report (Non- )  
Election Sensitive) for the Administrative )  
Fine Program: )  
BARBARA MULVANEY FOR ) AF# 2845  
CONGRESS, and JANA MULVANEY as )  
treasurer; )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2846  
BURRIS as treasurer; )  
CALVIN D TURNQUEST FOR ) AF# 2847  
CONGRESS, and OLIVIA )  
OUTMEZGUINE as treasurer; )  
CORY WESTBROOK FOR CONGRESS, ) AF# 2848  
and CATHERINE E. WENZING as )  
treasurer; )  
ESPERO FOR CONGRESS, and ) AF# 2850  
GALLARDE, BRYAN as treasurer; )  
FRIENDS OF CURTIS C. OSBORNE, and ) AF# 2851  
CARTER, CHRISTOPHER EUGENE as )  
treasurer; )  
  
FRIENDS OF TERRY ADAMS, and ) AF# 2853  
ROBERT D TUKE as treasurer; )  
HIRES FOR CONGRESS, and ROY ) AF# 2854  
WILEY as treasurer; )  
JASON FOR SOUTH DAKOTA, and ) AF# 2855  
JAMIE NEITZKE as treasurer; )  
JAY STAMPER FOR SENATE ) AF# 2856  
COMMITTEE, and JEREMY M )  
STAMPER as treasurer; )  
JORGE BONILLA FOR US CONGRESS ) AF# 2857  
INC, and MAGDALENA BONILLA as )  
treasurer; )  
JULIANNE MN INC, and CHARLES P ) AF# 2858  
ERICKSON as treasurer; )  
KIRKMEYER FOR CONGRESS, and ) AF# 2859  
MARJORIE KLEIN as treasurer; )  
KUMAR FOR CONGRESS, and ) AF# 2860  
MARJORIE KUMAR as treasurer; )

Federal Election Commission  
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December 11, 2014

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MALONE PEOPLE ACTION ) AF# 2861  
COMMITTEE-DELEGATE, and )  
GLENRIDGE A POLE as treasurer; )  
MARCUS BRANDON FOR CONGRESS, ) AF# 2862  
and CECIL ANTONIO BROCKMAN as )  
treasurer; )  
MCCLINE FOR CONGRESS, and TRINE ) AF# 2863  
ANDERSEN as treasurer; )  
NEW MEXICANS FOR RICHARD ) AF# 2864  
PRIEM, and PATTI RIVAS as treasurer; )  
RAYE FOR CONGRESS, and FARNHAM, ) AF# 2865  
NICHU S. as treasurer; )  
TOM CARTER FOR CONGRESS, and ) AF# 2866  
CARTER, THOMAS as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 11, 2014 the Commission took the following actions on the Reason To Believe Recommendation – 2014 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 09, 2014, on the following committees:

AF#2845 Decided by a vote of 6-0 to: (1) find reason to believe that BARBARA MULVANEY FOR CONGRESS, and JANA MULVANEY as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2846 Decided by a vote of 6-0 to: (1) find reason to believe that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2847 Decided by a vote of 6-0 to: (1) find reason to believe that CALVIN D TURNQUEST FOR CONGRESS, and OLIVIA OUTMEZGUINE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2848 Decided by a vote of 6-0 to: (1) find reason to believe that CORRY WESTBROOK FOR CONGRESS, and CATHERINE E. WENZING as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2850 Decided by a vote of 6-0 to: (1) find reason to believe that ESPERO FOR CONGRESS, and GALLARDE, BRYAN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2851 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF CURTIS C. OSBORNE, and CARTER, CHRISTOPHER EUGENE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2853 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF TERRY ADAMS, and ROBERT D TUKE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2854 Decided by a vote of 6-0 to: (1) find reason to believe that HIRES FOR CONGRESS, and ROY WILEY as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2855 Decided by a vote of 6-0 to: (1) find reason to believe that JASON FOR SOUTH DAKOTA, and JAMIE NEITZKE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2856 Decided by a vote of 6-0 to: (1) find reason to believe that JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M STAMPER as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2857 Decided by a vote of 6-0 to: (1) find reason to believe that JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2858 Decided by a vote of 6-0 to: (1) find reason to believe that JULIANNE MN INC, and CHARLES P ERICKSON as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2859 Decided by a vote of 6-0 to: (1) find reason to believe that KIRKMEYER FOR CONGRESS, and MARJORIE KLEIN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.



AF#2860 Decided by a vote of 6-0 to: (1) find reason to believe that KUMAR FOR CONGRESS, and MARJORIE KUMAR as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2861 Decided by a vote of 6-0 to: (1) find reason to believe that MALONE PEOPLE ACTION COMMITTEE-DELEGATE, and GLENRIDGE A POLE as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2862 Decided by a vote of 6-0 to: (1) find reason to believe that MARCUS BRANDON FOR CONGRESS, and CECIL ANTONIO BROCKMAN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2863 Decided by a vote of 6-0 to: (1) find reason to believe that MCCLINE FOR CONGRESS, and TRINE ANDERSEN as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2864 Decided by a vote of 6-0 to: (1) find reason to believe that NEW MEXICANS FOR RICHARD PRIEM, and PATTI RIVAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2865 Decided by a vote of 6-0 to: (1) find reason to believe that RAYE FOR CONGRESS, and FARNHAM, NICHI S. as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

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AF#2866 Decided by a vote of 6-0 to: (1) find reason to believe that TOM CARTER FOR CONGRESS, and CARTER, THOMAS as treasurer violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

December 12, 2014  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

10-11-2014 10:10:10



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

December 12, 2014

Marjorie Klein, in official capacity as Treasurer  
Kirkmeyer for Congress  
6100 CR 4  
Brighton, CO 80603

C00559518  
AF#: 2859

Dear Ms. Klein:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period July 1, 2014 through September 30, 2014, shall be filed no later than October 15, 2014. 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). Because records at the Federal Election Commission ("FEC") indicate that you did not file this report within thirty (30) days of the due date, the report is considered not filed for the purpose of calculating the civil money penalty.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)). 52 U.S.C. § 30109(a)(4) (formerly 2 U.S.C. § 437g(a)(4)). On December 11, 2014, the FEC found that there is reason to believe ("RTB") that Kirkmeyer for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) by failing to file timely this report on or before October 15, 2014. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,090. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$1,090 is due within forty (40) days of the finding, or by January 20, 2015, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive

Level of Activity: \$27,439

Number of Days Late: Not Filed (reports not filed within thirty (30) days of the due date are considered not filed for the purpose of calculating the penalty)

Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. **If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 20, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 52 U.S.C. § 30109 (formerly 2 U.S.C. § 437g). 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Kirkmeyer for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate

**Lee E. Goodman**  
**Chairman**

-----  
**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$1,090 for the 2014 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by January 20, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**  
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FOR: Kirkmeyer for Congress

FEC ID#: C00559518

AF#: 2859

PAYMENT DUE DATE: January 20, 2015

PAYMENT AMOUNT DUE: \$1,090



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2015 MAY -8 A 9 46

May 7, 2015

**SENSITIVE**

**MEMORANDUM**

TO: The Commission

THROUGH: Alec Palmer *AP*  
Staff Director

FROM: Patricia C. Orrock *PCO*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: Kristin D. Roser/Sari Pickerall *KDR* *SP*  
Reports Analysis Division  
Compliance Branch

SUBJECT: Administrative Fine Program

Final Determination Recommendation for the 2014 October  
Quarterly Report (Non-Election Sensitive)

Attached are two lists of political committees and their treasurers against which the Commission has found reason to believe (RTB) and assessed proposed civil money penalties calculated at RTB for failure to file or failure to timely file the 2014 October Quarterly Report. The first list represents the committees that have paid the civil money penalty and the second list represents the committees that have not paid the civil money penalty. The committees that have not paid have been given at least forty (40) days from the date of the Commission's RTB finding to remit payment.

In accordance with 11 CFR § 111.34 and 11 CFR § 111.40, the Commission shall send a final determination notice to those respondents that have either paid or not paid the civil money penalty.

For your information, seven (7) committees disclosed a level of activity after the RTB finding which would result in a lowered civil money penalty. Of these, two (2) committees will be assessed a civil money penalty at Final Determination (FD) that has been reduced since the RTB finding, and five (5) committees will be assessed no civil money penalty at FD. An overview of each of these cases has been provided below.

Friends of Curtis C. Osborne (AF 2851) filed the 2014 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$4,699 (previously estimated to be \$75,126), thus the fine would be lowered from \$3,850 to \$275.

Jason for South Dakota (AF 2855) filed the 2014 October Quarterly Report after the RTB finding and disclosed no activity (previously estimated to be \$37,715), which would result in no civil money penalty (fine previously assessed to be \$1,090).

Kumar for Congress (AF 2860) filed the 2014 October Quarterly Report after the RTB finding and disclosed an actual level of activity which would result in a lowered civil money penalty than that assessed at RTB. The committee disclosed total receipts and disbursements of \$42,062 (previously estimated to be \$405,218), thus the fine would be lowered from \$10,900 to \$1,090.

Marcus Brandon for Congress (AF 2862) disclosed no activity after the RTB finding (previously estimated to be \$79,502), which would result in no civil money penalty (fine previously assessed to be \$3,850).

New Mexicans for Richard Priem (AF 2864) disclosed no activity after the RTB finding (previously estimated to be \$51,897), which would result in no civil money penalty (fine previously assessed to be \$2,970).

Raye for Congress (AF 2865) disclosed no activity after the RTB finding (previously estimated to be \$109,834), which would result in no civil money penalty (fine previously assessed to be \$4,950).

Tom Carter for Congress (AF 2866) disclosed no activity after the RTB finding (previously estimated to be \$137,286), which would result in no civil money penalty (fine previously assessed to be \$4,950).



## **RAD Recommendation**

- (2) Make a final determination that the political committees and their treasurers listed on the attached reports violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and assess the final civil money penalties so indicated.
- (3) Make a final determination that the political committees and their treasurers listed on the attached reports with no activity, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) and will not be assessed a civil money penalty.
- (4) Send the appropriate letters.

Federal Election Commission  
FD Circulation Report Fine Paid  
2014 OCTOBER QUARTERLY Not Election Sensitive 10/15/2014 H\_S\_P\_UNAUTH

| AF#  | Committee Name         | Candidate Name     | Committee ID | Treasurer           | Receipt Date | Days Late | LOA            | PV | RTB Date   | RTB Penalty | Final Money Penalty | Date Paid  | Amount Paid |
|------|------------------------|--------------------|--------------|---------------------|--------------|-----------|----------------|----|------------|-------------|---------------------|------------|-------------|
| 2850 | ESPERO FOR CONGRESS    | ESPERO, WILLIAM    | C00547067    | BRYAN GALLARDE      |              | Not Filed | \$45,034 (est) | 0  | 12/11/2014 | \$1,090     | \$1,090             | 01/21/2015 | \$1,090     |
| 2858 | JULIANNE MN INC        | ORTMAN, JULIANNE   | C00548446    | CHARLES P. ERICKSON | 11/20/2014   | Not Filed | \$34,553       | 0  | 12/11/2014 | \$1,090     | \$1,090             | 01/15/2015 | \$1,090     |
| 2859 | KIRKMEYER FOR CONGRESS | KIRKMEYER, BARBARA | C00559518    | MARJORIE KLEIN      | 11/25/2014   | Not Filed | \$27,439       | 0  | 12/11/2014 | \$1,090     | \$1,090             | 01/20/2015 | \$1,090     |

Federal Election Commission  
FD Circulation Report - Fine Not Paid  
2014 OCTOBER QUARTERLY Not Election Sensitive 10/15/2014 H\_S\_P\_UNAUTH

| AF#  | Committee Name                          | Candidate Name          | Committee ID | Treasurer                 | Receipt Date | Days Late | LOA            | PV | RTB Date   | RTB Penalty | Days Since RTB | FD Penalty |
|------|---|-------------------------|--------------|---------------------------|--------------|-----------|----------------|----|------------|-------------|----------------|------------|
| 2846 | BEALE FOR CONGRESS                      | BEALE, ANTHONY A        | C00540385    | STEVEN R. BURRIS          |              | Not Filed | \$92,359 (est) | 4  | 12/11/2014 | \$7,700     | 147            | \$7,700    |
| 2847 | CALVIN D TURNQUEST FOR CONGRESS         | TURNQUEST, CALVIN DEON  | C00550129    | OLIVIA OUTMEZGUINE        |              | Not Filed | \$27,981 (est) | 0  | 12/11/2014 | \$1,090     | 147            | \$1,090    |
| 2851 | FRIENDS OF CURTIS C. OSBORNE            | OSBORNE, CURTIS C       | C00546515    | CHRISTOPHER EUGENE CARTER | 01/29/2015   | Not Filed | \$4,699        | 0  | 12/11/2014 | \$3,850     | 147            | \$275      |
| 2855 | JASON FOR SOUTH DAKOTA                  | RAVNSBORG, JASON        | C00554865    | JAMIE NETZKE              | 02/03/2015   | Not Filed | \$0            | 0  | 12/11/2014 | \$1,090     | 147            | NONE       |
| 2856 | JAY STAMPER FOR SENATE COMMITTEE        | STAMPER, JEREMY MICHAEL | C00543033    | JEREMY M. STAMPER         |              | Not Filed | \$20,874 (est) | 0  | 12/11/2014 | \$550       | 147            | \$550      |
| 2857 | JORGE BONILLA FOR US CONGRESS INC       | BONILLA, JORGE L JR     | C00545715    | MAGDALENA BONILLA         |              | Not Filed | \$70,845       | 0  | 12/11/2014 | \$1,090     | 147            | \$1,090    |
| 2860 | KUMAR FOR CONGRESS                      | KUMAR, ANIL             | C00548925    | MARJORIE KUMAR            | 01/20/2015   | Not Filed | \$42,082       | 0  | 12/11/2014 | \$10,900    | 147            | \$1,090    |
| 2861 | MALONE PEOPLE ACTION COMMITTEE-DELEGATE | MALONE, SHAWN-MICHAEL   | C00559971    | GLENRIDGE A. POLE         | 10/23/2014   | 8         | \$54,570       | 0  | 12/11/2014 | \$1,070     | 147            | \$1,070    |
| 2862 | MARCUS BRANDON FOR CONGRESS             | BRANDON, MARCUS         | C00544668    | CECIL ANTONIO BROCKMAN    |              | Not Filed | \$0            | 0  | 12/11/2014 | \$3,850     | 147            | NONE       |
| 2863 | MCCLINE FOR CONGRESS                    | MCCLINE, JAMEEL         | C00564724    | TRINE ANDERSEN            |              | Not Filed | \$74,676 (est) | 0  | 12/11/2014 | \$2,970     | 147            | \$2,970    |
| 2864 | NEW MEXICANS FOR RICHARD PRIEM          | PRIEM, RICHARD G        | C00553420    | PATTI RIVAS               |              | Not Filed | \$0            | 0  | 12/11/2014 | \$2,970     | 147            | NONE       |
| 2865 | RAYE FOR CONGRESS                       | RAYE, KEVIN L.          | C00519231    | NICHI S. FARNHAM          |              | Not Filed | \$0            | 0  | 12/11/2014 | \$4,950     | 147            | NONE       |
| 2866 | TOM CARTER FOR CONGRESS                 | CARTER, THOMAS G        | C00560649    | THOMAS CARTER             |              | Not Filed | \$0            | 0  | 12/11/2014 | \$4,950     | 147            | NONE       |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Administrative Fine Program – Final )  
Determination Recommendation for the )  
2014 October Quarterly Report (Non- )  
Election Sensitive): )  
BEALE FOR CONGRESS, and STEVEN R ) AF# 2846  
BURRIS as treasurer; )  
CALVIN D TURNQUEST FOR ) AF# 2847  
CONGRESS, and OLIVIA )  
OUTMEZGUINE as treasurer; )  
ESPERO FOR CONGRESS, and ) AF# 2850  
GALLARDE, BRYAN as treasurer; )  
FRIENDS OF CURTIS C. OSBORNE, and ) AF# 2851  
CARTER, CHRISTOPHER EUGENE as )  
treasurer; )  
JAY STAMPER FOR SENATE ) AF# 2856  
COMMITTEE, and JEREMY M )  
STAMPER as treasurer; )  
JORGE BONILLA FOR US CONGRESS ) AF# 2857  
INC, and MAGDALENA BONILLA as )  
treasurer; )  
JULIANNE MN INC, and CHARLES P ) AF# 2858  
ERICKSON as treasurer; )  
KIRKMEYER FOR CONGRESS, and ) AF# 2859  
MARJORIE KLEIN as treasurer; )  
KUMAR FOR CONGRESS, and ) AF# 2860  
MARJORIE KUMAR as treasurer; )  
MALONE PEOPLE ACTION ) AF# 2861  
COMMITTEE-DELEGATE, and )  
GLENRIDGE A POLE as treasurer; )  
MCCLINE FOR CONGRESS, and TRINE ) AF# 2863  
ANDERSEN as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on May 11, 2015 the Commission took the following actions on the Administrative Fine Program – Final Determination Recommendation for the 2014 October Quarterly Report (Non-Election Sensitive) as recommended in the Reports Analysis Division's Memorandum dated May 07, 2015, on the following committees:

AF#2846 Decided by a vote of 6-0 to: (1) make a final determination that BEALE FOR CONGRESS, and STEVEN R BURRIS as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2847 Decided by a vote of 6-0 to: (1) make a final determination that CALVIN D TURNQUEST FOR CONGRESS, and OLIVIA OUTMEZGUINE as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2850 Decided by a vote of 6-0 to: (1) make a final determination that ESPERO FOR CONGRESS, and GALLARDE, BRYAN as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2851 Decided by a vote of 6-0 to: (1) make a final determination that FRIENDS OF CURTIS C. OSBORNE, and CARTER, CHRISTOPHER EUGENE as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2856 Decided by a vote of 6-0 to: (1) make a final determination that JAY STAMPER FOR SENATE COMMITTEE, and JEREMY M STAMPER as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2857 Decided by a vote of 6-0 to: (1) make a final determination that JORGE BONILLA FOR US CONGRESS INC, and MAGDALENA BONILLA as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2858 Decided by a vote of 6-0 to: (1) make a final determination that JULIANNE MN INC, and CHARLES P ERICKSON as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2859 Decided by a vote of 6-0 to: (1) make a final determination that KIRKMEYER FOR CONGRESS, and MARJORIE KLEIN as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2860 Decided by a vote of 6-0 to: (1) make a final determination that KUMAR FOR CONGRESS, and MARJORIE KUMAR as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2861 Decided by a vote of 6-0 to: (1) make a final determination that MALONE PEOPLE ACTION COMMITTEE-DELEGATE, and GLENRIDGE A POLE as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

AF#2863 Decided by a vote of 6-0 to: (1) make a final determination that MCCLINE FOR CONGRESS, and TRINE ANDERSEN as treasurer , violated 52 U.S.C. 30104(a) (formerly 2 U.S.C. 434(a)) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

**Federal Election Commission  
Certification for Administrative Fines**

May 11, 2015

May 11, 2015  
May 12, 2015  
Date

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Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

May 12, 2015

Marjorie Klein, in official capacity as Treasurer  
Kirkmeyer for Congress  
6100 CR4  
Brighton, CO 80603

C00559518  
AF#: 2859

Dear Ms. Klein:

On December 11, 2014, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Kirkmeyer for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)) for filing late or failing to file the 2014 October Quarterly Report. By letter dated December 12, 2014, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$1,090 in accordance with the schedule of penalties at 11 CFR § 111.43.

On January 20, 2015, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on May 11, 2015 that Kirkmeyer for Congress and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) (formerly 2 U.S.C. § 434(a)), assessed a civil money penalty in the amount of \$1,090 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) (formerly 2 U.S.C. § 437g(a)(12)) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Sari Pickerall on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink that reads "Ann M. Ravel". The signature is fluid and cursive.

Ann M. Ravel  
Chair



FOR: Kirkmeyer for Congress

FEC ID#: C00559518

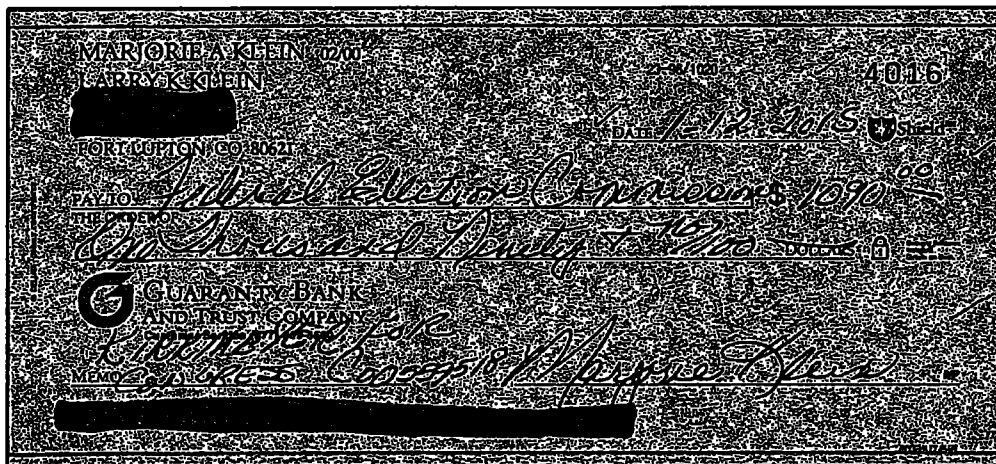
AF#: 2859

PAYMENT DUE DATE: January 20, 2015

PAYMENT AMOUNT DUE: \$1,090

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 01/16/2015



| Batch | Item | TID       | Batch Total | Amount     |
|-------|------|-----------|-------------|------------|
| 1     | 1    | Y-3078931 | \$4,640.00  | \$1,090.00 |



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2859

DATE SCANNED 6/4/15

SCANNER NO. 2

SCAN OPERATOR SES